

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

BRICKSTOP CORPORATION,)	Case Number: 1:08-cv-02690
)	
Plaintiff,)	Assigned Judge: Gettleman
)	
v.)	Designated
)	Magistrate Judge: Cole
VALLEY VIEW INDUSTRIES, H.C., INC.,)	
)	
Defendant.)	

**DECLARATION OF ERIC ASCHENBRENNER IN SUPPORT OF
BRICKSTOP CORPORATION'S MOTION FOR PRELIMINARY INJUNCTION**

I, Eric Aschenbrenner, do hereby declare:

1. I am the General Manager of Anne's Landscape Supply Incorporated located in Freeport, Illinois. I have been employed by Anne's for over 4 years. Prior to working for Anne's, I was a Territory Sales Manager at Bend Industries for approximately 3 years where I sold masonry and associated products, such as paver restraint systems. While I was at Bend Industries I sold BrickStop's B.E.A.S.T. product to garden centers and contractors who installed the product. I have extensive experience in the paver restraint industry including knowledge of various equipment, supplies, vendors, and manufacturers who sell in the industry and I have personal knowledge of the statements contained herein.

2. Anne's has sold BrickStop's B.E.A.S.T. paver edge for more than four years. In my time in the industry, including at Bend and Anne's, I have personally sold approximately 50,000 feet of the B.E.A.S.T. I have been involved in all aspects of these sales, including personally hauling pallets of the B.E.A.S.T. to customers in my pick-up truck. Because of my extensive history with BrickStop and the B.E.A.S.T. paver edge, I am very familiar with the design and use of BrickStop products including the product shape BrickStop has incorporated

into the B.E.A.S.T. paver edge. I am also knowledgeable about competitors of BrickStop in the paver edging field and their products. Until the incident recounted below, I was not aware of any competitor who sells a paver edge product with the same shape to the foot structure as the B.E.A.S.T.

3. At the end of February 2008, I received a sample of Valley View's Diamond Paver Edge paver restraint. I opened the box sent to me by Valley View and removed the sample, which I believe was about one foot long. When I first saw the Diamond Paver Edge, I believed it was the product that BrickStop sells as the B.E.A.S.T. In fact, because the Diamond Paver Edge looked so similar to the B.E.A.S.T., I believed that both BrickStop and Valley View purchased the paver edging from some common manufacturer and merely resold it under different brands.

4. Upon receiving the sample in late February 2008, I immediately called Jason Brown, the sales representative at BrickStop from whom I have ordered the B.E.A.S.T. for at least the last five years. I asked Jason if BrickStop made the B.E.A.S.T. or merely resold the product that another company manufactured. Jason told me that BrickStop made the B.E.A.S.T. and asked why I was enquiring. I explained to Jason that I received a sample paver edging from Valley View and believed it was the B.E.A.S.T. product.

5. Jason then explained to me that Valley View had copied the B.E.A.S.T. paver edge and was selling it as the Diamond Paver Edge. Notwithstanding my extensive experience selling BrickStop's B.E.A.S.T., I did not initially see any differences between the B.E.A.S.T. and Valley View's Diamond Paver Edge. I inquired of Valley View what price they were offering the Diamond Paver Edge for, and found it was lower than the price I was paying BrickStop for the B.E.A.S.T. Because any differences between the products upon first viewing them are very

subtle, I expressed to Jason that Anne's market and sales of the B.E.A.S.T. may be in jeopardy because Valley View was selling a very similar product at a lower price.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: 7/28/08

Eric Ashenbrenner
Eric Ashenbrenner